

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

PERNELL PIERSON,

Plaintiff,

v.

J. BAUER, et al.,

Defendants.

CAUSE NO. 3:21-CV-389-DRL-MGG

OPINON AND ORDER

Michael Allen Huff, a prisoner at the Indiana State Prison, filed an unsigned complaint purportedly on behalf of Pernell Pierson. ECF 1. Mr. Huff asserts this is permitted by *Johnson v. Avery*, 393 U.S. 483 (1969). It is not. *Johnson* held that “unless and until the State provides some reasonable alternative to assist inmates in the preparation of petitions for post-conviction relief, it may not validly enforce a regulation such as that here in issue, barring inmates from furnishing such assistance to other prisoners.” *Id.* at 490. *Johnson* did not hold that inmates can file complaints or other papers with the court on behalf of other inmates. Mr. Huff is not a lawyer and cannot represent Mr. Pierson. See *Malone v. Nielson*, 474 F.3d 934, 937 (7th Cir. 2007); *Navin v. Park Ridge Sch. Dist.*, 270 F.3d 1147, 1149 (7th Cir. 2001); and *Nowicki v. Ullsvik*, 69 F.3d 1320, 1325 (7th Cir. 1995). Nor did *Johnson* hold that complaints or other papers can be filed unsigned. Federal Rule of Civil Procedure 11(a) requires all filings be signed.

Though the clerk was correct to have opened this case so the filing could be addressed with a judicial order, it will be dismissed as inadvertently opened because Mr.

Huff cannot file on behalf of Mr. Pierson and thus could not initiate this lawsuit on his behalf. A copy of this order will be sent to Mr. Pierson. Though he did not file this lawsuit, he needs to know it was filed. If Mr. Pierson wants to file a lawsuit in this court, he needs to get a **Pro Se 14 (INND Rev. 2/20) Prisoner Complaint** from his prison law library. He needs to follow the instructions on that form. He must personally sign it before sending it to the clerk. A copy of this order will also be sent to Mr. Huff solely to admonish him to not file papers in this court on behalf of anyone other than himself. He is cautioned if he does so again, he may be fined, sanctioned, or restricted.

For these reasons, the court:

- (1) DISMISSES this case as INADVERTENTLY OPENED;
- (2) ADMONISHES Michael Allen Huff to not sign or file papers in this court on behalf of anyone other than himself;
- (3) CAUTIONS Michael Allen Huff if he signs or files papers in this court on behalf of someone other than himself, he may be fined, sanctioned, or restricted; and
- (4) DIRECTS the clerk to send a copy of this order to Michael Allen Huff.

SO ORDERED.

June 7, 2021

s/ Damon R. Leichty
Judge, United States District Court